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 SHANE D. MOSLEY, SR.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SHANE D. MOSLEY, SR.,

Plaintiff,

vs.

VICTOR CONTE,

Defendant.

Case No. 08-Civ-1777 (JSW)

**[PROPOSED] ORDER DENYING
 DEFENDANT'S MOTION TO STRIKE
 THE COMPLAINT PURSUANT TO CAL.
 CODE CIV. PROC. § 425.16 AND
 GRANTING, PURSUANT TO CAL.
 CODE CIV. PROC. § 425.16(c),
 PLAINTIFF'S CROSS-MOTION FOR
 ATTORNEYS' FEES AND COSTS
 ASSOCIATED WITH RESPONDING TO
 DEFENDANT'S MOTION**

WHEREAS, defendant Victor Conte's ("Conte" or "Defendant") application for an Order pursuant to Cal. Code Civ. Proc. § 425.16 to strike the complaint, came on for hearing before this Court on August 22, 2008.

1 WHEREAS, plaintiff Shane D. Mosley, Sr.'s ("Mosley" or "Plaintiff"), cross-motion seeking
2 the costs and attorneys' fees incurred in responding to Conte's motion to strike, came on for hearing
3 before this Court on August 22, 2008.

4 WHEREAS, Judd Burstein, Esq., and Kim O. Dincel, Esq., appeared on behalf of Plaintiff,
5 and Ivo Labar, Esq., appeared on behalf of Defendant.

6 NOW, having read the motion, the points and authorities, and the declarations filed by the
7 parties, and having heard argument of counsel, and satisfactory evidence having been presented:

8 IT IS ORDERED THAT the Defendant's motion to strike the complaint pursuant to Cal.
9 Code Civ. Proc. § 425.16 is DENIED.

10 IT IS FURTHER ORDERED THAT Plaintiff's motion pursuant to Cal. Code Civ. Proc. §
11 425.16(c) for the award of costs and attorneys' fees incurred in responding to Defendant's motion
12 to strike is GRANTED. Plaintiff shall be awarded \$_____ with interest.

13 IT IS SO ORDERED.

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15 Dated: _____, 2008

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17 _____
18 Hon. Jeffrey S. White
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